IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 6775 of 1999

Dated: 05.04.2007

Between:
1.Yandapu Satyavathi, W/o Venkat Rao, Housewife,
R/o Kota Ramachandrapuram, West Godavari District.
2.Nakkavaralakshmi, W/o Appa Rao, Housewife,
R/o Kota Ramachandrapuram, West Godavari District.

..... PETITIONERS

AND

Special Deputy Collector (Tribal Welfare),
Kotaramachandrapuram, West Godavari District.

… RESPONDENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.6775 of 1999

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondent-Special Deputy Collector (Tribal Welfare), K.R.Puram, in issuing a notice vide SR No.2/98 dated 01.03.1999 to the petitioners as illegal and consequently sought for a direction to the respondent not to eject the petitioners from the land to an extent of Ac.7.46 cents in R.S.No.23 situated at Kota Ramachandrapuram, Buttaigudem Mandal of West Godavari District.

It is the case of the petitioners that their father purchased the aforesaid land from one K.Ganga Raju on 18.04.1947 after obtaining permission from the Special Assistant Agent, Kovvur, in L.Dis.No.40/46 dated 12.09.1946 and after his death they are in possession and enjoyment of the said land. While so, the Special Deputy Tahsildar (Tribal Welfare), K.R.Puram, made a complaint vide SR No.43 of 1992 before the respondent-Special Deputy Collector (Tribal Welfare), K.R.Puram, under Section 3 (2) (a) of the A.P.S.A.L.T. Regulation 1 of 1959 as amended by Regulation I of 1970 stating that the scheduled mentioned land situated in Kotaramachandrapuram village of Buttayagudem Mandal, is in possession and enjoyment of the petitioners herein, who are non-tribals in the agency area, and it is in contravention of sub Section (1) of the Section 3 of the said Regulation and therefore he sought for ejectment of the petitioners herein from the land in question. After a detailed enquiry, the respondent passed an order dated 29.09.1992 holding that there is no violation of the provisions of the A.P.S.A.L.T. Regulation 1 of 1959 as amended by Regulation 1 of 1970 and accordingly disallowed the claim of the Special Deputy Tahsildar. Though an appeal is provided against the said order to an Agent to the Government, West Godavari, Eluru, no appeal was filed and thus that order has become final. Since the order has become final and it is in force, the matter cannot be reopened once again, unless that order has been set aside by the competent authority. Therefore, in my considered view, the impugned notice could not have been issued, which is otherwise without jurisdiction. I am fortified in my view by a Division Bench of this Court in CHINTALAPATI RAMALINGA

RAJU v. DISTRICT COLLECTOR, ELURU, WEST GODAVARI DISTRICT[1], wherein it is held that when once an order of the Special Deputy Collector rejecting the application for eviction of the appellant made in the year 1981 became final, fresh proceedings for eviction cannot be initiated.

The writ petition is accordingly allowed and the impugned notice issued by the respondent is hereby quashed. No costs.

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(GOPALA KRISHNA TAMADA, J)

05-04-2007

Gsn.

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[1] 2000 (4) ALD 443 (DB)